

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, OCTOBER 5, 2017**

**Invocation:** Shaykh Mohamend-Umer Esmail, Nueces Mosque. **Not Present**

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 5, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:20 a.m.**

**CONSENT AGENDA**

**The following items were acted on by one motion.**

1. Approve the minutes of the Austin City Council special called meeting of September 20, 2017, work session meeting of September 26, 2017, special called meeting of September 27, 2017, and regular meeting of September 28, 2017.  
**The minutes of the City Council special called meeting of September 20, 2017, work session meeting of September 26, 2017, special called meeting of September 27, 2017, and regular meeting of September 28, 2017 were approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
2. Approve issuance of a rebate to Bassham Properties, for performing energy efficiency improvements at The Villages of Bella Vista located at 8515 Brodie Lane, in an amount not to exceed \$139,615. District(s) Affected: District 5.  
**The motion approving issuance of a rebate to Bassham Properties was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**
3. Authorize negotiation and execution of an interlocal agreement with Travis County to procure a consulting contract for assistance with plans for an amendment or renewal of the Balcones Canyonlands Conservation Plan, in an amount not to exceed \$25,000.  
**The motion authorizing negotiation and execution of an interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 4 was pulled for discussion.**

5. Authorize award and execution of a construction contract with Majestic Services, Inc., for the New Field Operations Facility project, in the amount of \$649,777 plus a \$64,977.70 contingency, for a total contract amount not to exceed \$714,754.70. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 35.34% MBE and 25.79% WBE participation.) District(s) Affected: District 2.

**The motion authorizing award and execution of a construction contract with Majestic Services, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

6. Authorize award and execution of a construction contract with Muniz Concrete & Contracting, Inc., for the Asphalt and Concrete Repair Indefinite Delivery/Indefinite Quantity project in the amount of \$1,000,000 for an initial one-year term, with two one-year extension options of \$1,000,000 each, for a total contract amount not to exceed \$3,000,000. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.21% MBE and 0.17% WBE participation.) District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

**The motion authorizing award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

7. Authorize negotiation and execution of a contract with Proquest LLC to provide subscription services, for a term of 12-months in an amount not to exceed \$81,000.

**The motion authorizing negotiation and execution of a contract with Proquest LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

8. Authorize the negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care (IC) for the Homeless Outreach Street Team (HOST), to connect homeless individuals and families with services necessary to begin their process of stability and recovery, by adding four 12-month renewal options, in the amount of \$242,354 per renewal option, beginning October 1, 2017, for a total increase in an amount not to exceed \$969,416, and a total contract amount not to exceed \$1,211,770.

**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care (IC) was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

9. Authorize negotiation and execution of an encroachment agreement with Music Lane Owner, LLC, 1117 South Congress, LLC and 1009 South Congress Limited Partnership for the

subsurface encroachment of right-of-way by a below ground retention system wall at the intersections of Academy Drive with South Congress Avenue and Music Lane, located at 1009 South Congress Avenue. District(s) Affected: District 9.

**The motion authorizing negotiation and execution of an encroachment agreement with Music Lane Owner, LLC, 1117 South Congress, LLC and 1009 South Congress Limited Partnership was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

10. Approve an ordinance amending Ordinance No. 20170831-077 to correct the conditional overlay in the zoning ordinance for property described in zoning file C14-2017-0059 located at 1105 Rio Grande Street. District(s) Affected: District 9.

**Ordinance No. 20171005-010 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 9-1 vote. Council Member Flannigan voted nay. Mayor Adler abstained.**

11. Authorize execution of an interlocal agreement in the form of a memorandum of understanding with Travis County for the provision of fire safety inspections of mobile food vendors operating in the unincorporated area of Travis County for an initial twelve-month term with four 12-month renewal options.

**The motion authorizing execution of an interlocal agreement in the form of a memorandum of understanding with Travis County was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**

12. Approve the negotiation and execution of an interlocal agreement with TRAVIS COUNTY for early childhood services for an initial 12-month term beginning October 1, 2017 in an amount not to exceed \$250,000, with one, 12-month extension option not to exceed \$150,000, for a total contract amount not to exceed \$400,000.

**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

13. Approve an ordinance authorizing acceptance of \$315,000 in grant funds from the Corporation for National and Community Service and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$315,000 to implement the AmeriCorps Volunteers in Service to America Program.

**Ordinance No. 20171005-013 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

14. Authorize negotiation and execution of a contract with Honeywell International, Inc. to provide maintenance, support, and related parts for the Honeywell energy management system, for a term of five years in an amount not to exceed \$570,283. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with Honeywell International, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

15. Authorize negotiation and execution of a contract with ARC Document Solutions, LLC, to provide scanning and electronic conversion services, for a term of three years in an amount not to exceed \$432,256. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were an insufficient number of subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with ARC Document Solutions, LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

16. Authorize negotiation and execution of a contract with JMR Technology, Inc. to provide an upgrade to the planning guidelines and design standard reporting software for the checked baggage inspection system, in an amount not to exceed \$292,430. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with JMR Technology, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**

17. Authorize negotiation and execution of a multi-term contract with Infor (US), Inc., to provide maintenance and support for water and pipeline software, for up to three years for a total contract amount not to exceed \$1,052,565. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with Infor (US), Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

18. Authorize award and execution of a contract with TSE International, Inc. to provide a drum type cable puller/tensioner, in an amount not to exceed \$131,256. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of a contract with TSE International, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

19. Authorize award and execution of a contract with Sherman + Reilly Inc., to provide a trailer mounted underground cable puller, in an amount not to exceed \$126,841. (Note: This solicitation

was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of a contract with Sherman + Reilly Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

20. Authorize award and execution of a multi-term contract with Elk Ridge Construction LLC, to provide grounds maintenance services for Austin Energy substations and other parcels, for up to five years for a total contract amount not to exceed \$496,450. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of a contract with Elk Ridge Construction LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

21. Authorize negotiation and execution of three multi-term contracts with CLEAResult Consulting, Inc., Atlas Efficiency Solutions, LLC, and French Ventures, LLC, or one of the other qualified offerors to Request For Proposals RMJ0311, to provide home energy performance assessments, each for up to five years, with total combined contract amounts not to exceed \$1,744,125; divided among the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of three contracts with CLEAResult Consulting, Inc., Atlas Efficiency Solutions, LLC, and French Ventures, LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**

22. Authorize negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with SHI Government Solutions Inc., to provide Novell SUSE operating systems including maintenance and support, for a term of five years for a total contract amount not to exceed \$1,265,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with SHI Government Solutions Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

23. Authorize award and execution of a multi-term contract with TBEA USA Company, to provide voltage transformers, for up to five years for a total contract amount not to exceed \$986,715. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)  
**The motion authorizing award and execution of a contract with TBEA USA Company was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
24. Authorize negotiation and execution of a multi-term contract with Stanley Convergent Security Solutions Inc., to provide an electronic alarm system which includes monitoring, maintenance, and installation services, for up to three years for a total contract amount not to exceed \$855,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)  
**The motion authorizing negotiation and execution of a contract with Stanley Convergent Security Solutions Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
25. Authorize negotiation and execution of a multi-term contract with Trajen Funding Inc. DBA Atlantic Aviation Services, to provide jet fuel, for up to four years for a total contract amount not to exceed \$600,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)  
**The motion authorizing negotiation and execution of a contract with Trajen Funding Inc. doing business as Atlantic Aviation Services was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
26. Approve the third reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.  
**This item was postponed to October 19, 2017 on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
27. Approve an ordinance amending City Code Title 13 (Transportation Services) relating to chauffeur's permits and creating a Conditional Chauffeur Permit.  
**Ordinance No. 20171005-027 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**
28. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.

The following appointments and certain related waivers were approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.

**Board and Commission Nominations and Waivers  
October 5, 2017**

<b><u>Board/Nominee</u></b>	<b><u>Nominations</u></b>	<b><u>Nominated by</u></b>
<b><u>2018 Charter Review Commission</u> Jessica Palvino</b>		<b>Council Member Casar</b>
<b><u>2018 Charter Review Commission</u> Martha Cotera</b>		<b>Council Member Garza</b>
<b><u>2018 Charter Review Commission</u> Diego Martinez-Moncada</b>		<b>Council Member Renteria</b>
<b><u>Anti-Displacement Task Force</u> Sharon Mays</b>		<b>Council Member Houston</b>
<b><u>Anti-Displacement Task Force</u> Ann Teich</b>		<b>Council Member Pool</b>
<b><u>Mayor's Committee for People with Disabilities</u> Rachel Gandy</b>		<b>Council Member Casar</b>
<b><u>Mexican American Cultural Center Advisory Board</u> Andrea Chavez</b>		<b>Council Member Troxclair</b>

**Waivers**

**There are no waivers at this time.**

29. Approve an ordinance amending City Code Chapter 2-2 relating to campaign finance and election fundraising time periods; and creating an offense. Council Sponsors: Council Member Leslie Pool, Mayor Steve Adler, Council Member Gregorio Casar, Council Member Jimmy Flannigan, Council Member Ann Kitchen.  
**Ordinance No. 20171005-029 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**
30. Approve a resolution relating to residential leases, guarantors, and tenants' rights. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Council Member Leslie Pool.  
**Resolution No. 20171005-030 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**
31. Approve a resolution condemning the display of monuments and memorials of the Confederacy; and directing the City Manager to submit a report to Council identifying City-owned monuments

and memorials of the Confederacy located on City-owned property and discussing options to address them. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Ora Houston.

**Resolution No. 20171005-031 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Items 32 and 33 were pulled for discussion.**

34. Approve a resolution amending the City's federal legislative program and agenda to address immigration and border policy issues. Council Sponsors: Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Delia Garza, Council Member Sabino 'Pio' Renteria, Mayor Steve Adler.

**Resolution No. 20171005-034 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.**

35. Approve an ordinance waiving or reimbursing certain fees for the ATX Think Bilingual Fair, sponsored by Think Bilingual Austin, which will be held on Sunday November 12, 2017 at the Asian American Resource Center. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Delia Garza, Council Member Gregorio Casar, Council Member Alison Alter, Council Member Jimmy Flannigan.

**Ordinance No. 20171005-035 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair abstained.**

36. Approve an ordinance waiving or reimbursing certain fees for the Annual Dia de la Raza Celebration, sponsored by the Friends of the Emma S. Barrientos Mexican American Cultural Center, which will be held on Thursday, October 12, 2017, at the Mexican American Resource Center. Council Sponsors: Council Member Sabino 'Pio' Renteria, Mayor Steve Adler, Council Member Gregorio Casar, Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen.

**Ordinance No. 20171005-036 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair abstained.**

37. Approve an ordinance waiving or reimbursing certain fees for the Rainey Street Neighborhood Association's Annual Meeting, sponsored by the Rainey Street Neighborhood Association, which will be held on Wednesday, October 18, 2017 at the Mexican American Resource Center. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Council Member Ora Houston, Council Member Leslie Pool.

**Ordinance No. 20171005-037 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair abstained.**

54. Authorize the negotiation and execution of a cost participation agreement with the Austin Community College District for the City to reimburse the Austin Community College District for an amount not to exceed \$1,460,660 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145 that will provide wastewater service to a proposed mixed-use development located at 5900 Airport Boulevard. District(s) Affected: District 4.



**This item was postponed to October 19, 2017 on consent on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Flannigan voted nay.**

55. Authorize award and execution of a contract with Elastec, Inc., to provide two pontoon boats, motors, and trailers, in an amount not to exceed \$116,080. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of a contract with Elastec, Inc. was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.**

**Items 38 and 39 were Executive Session items.**

**Item 40 was a Zoning Ordinance/Restrictive Covenant (HEARINGS CLOSED) Item.**

**Items 41 through 51 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).**

**Items 52 through 53 were public hearing items set for 4:00 p.m.**

**Items 54 and 55 were Addendum items.**

#### **DISCUSSION ITEMS**

4. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Department of Homeland Security, and other state and federal agencies for Austin-Bergstrom International Airport for Fiscal Year 2017-2018 in an amount not to exceed \$30,000,000.  
**A motion to approve the resolution as amended below was made by Council Member Flannigan and seconded by Council Member Alter.**

**The amendment was to revise the first Be It Resolved clause to read:**

**"The City Manager, the Director of the Department of Aviation, or their duly authorized designees, are authorized to accept one or more grants, including amendments to previously accepted grants, from the Federal Aviation Administration, the Department of Homeland Security, and other state and federal agencies, for the operation, improvement, noise mitigation, and security of the Austin-Bergstrom International Airport, in a total aggregate amount not to exceed \$30,000,000 in Fiscal Year 2017-2018 on such terms and conditions as may be necessary, appropriate, or required by law providing that the grant obligations do not conflict with any approved Council Ordinance."**

**Resolution No. 20171005-004 was approved as amended above on Council Member Flannigan's motion, Council Member Alter's second on an 11-0 vote.**

32. Approve a resolution declaring the second Monday in October as Indigenous Peoples' Day in the City of Austin. Council Sponsors: Council Member Ora Houston, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Kathie Tovo.

**A motion to approve version one the resolution was made by Council Member Houston and seconded by Council Member Garza.**

**A motion to amend the resolution was made by Council Member Alter and seconded by Council Member Troxclair. The amendment was to revise the first Be It Resolved clause to read: "The Austin City Council hereby declares the second Monday in October as also Indigenous Peoples' Day in the City of Austin."**

**The amendment failed on Council Member Alter's motion, Council Member Garza's second on a 2-9 vote. Those voting aye were: Council Members Alter and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Casar, Flannigan, Garza, Houston, Kitchen, Pool, and Renteria.**

**A friendly amendment was made by Council Member Flannigan to revise to first Be It Further Resolved clause to read: "The City of Austin strongly encourages Austin area public schools to include the teaching of Indigenous Peoples' history." The friendly amendment was accepted without objection.**

**A motion to amend the resolution was made by Council Member Casar and seconded by Council Member Garza. The amendment was to revise the first Be It Resolved clause to read: "The Austin City Council hereby declares the second Monday in October as Indigenous Peoples' Day rather than Columbus Day in the City of Austin."**

**The amendment was approved on Council Member Casar's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Casar, Flannigan, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were Council Members Alter and Troxclair.**

**A motion to amend the resolution was made by Council Member Troxclair. The motion failed for lack of a second. The motion was to:**

**Delete the fourth and sixth whereas clauses.**

**Delete the second and third Be It Further Resolved clauses.**

**Revise the first Whereas clause to read: "Whereas, October 12, 1492 marks Columbus Day, a day to recognize the spirit of exploration but we must also acknowledge the pain and suffering reflected in the stories of Native Americans and indigenous peoples who had long resided on this land prior to European explorers and"**

**Add a new second, third and seventh whereas clauses to read:**

**“Whereas, Indigenous Peoples’ Day was first proposed in 1977 by a delegation of Native Nations to the United Nations and was sponsored by the International Conference of Discrimination Against Indigenous Populations in the Americas; and**

**Whereas, on September 26, 2008, Congress passed H.J. Res. 62 nationally recognizing American Indian Heritage Day in the United states; and**

**Whereas, Columbus day is an opportunity for all Americans to celebrate both “the spirit of exploration” that Columbus embodied, pay tribute to our Indigenous heritage and embrace the multiculturalism that defines America;”**

**Resolution No. 20171005-032 was approved as amended above on Council Member Houston’s motion, Council Member Garza’s second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter abstained.**

#### **EXECUTIVE SESSION**

38. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

**Withdrawn without objection.**

39. Discuss personnel issues related to the search for and appointment of a new city manager (Personnel matters - Section 551.074 of the Government Code).

**Withdrawn without objection.**

**Mayor Adler recessed the meeting at 11:08 a.m.**

**Mayor Adler reconvened the meeting at 11:34 a.m.**

33. Approve a resolution directing the City Manager to expand access to Austin Energy solar energy programs for underserved markets, including multifamily affordable housing, low-income residents, renters, and non-profits. Council Sponsors: Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Delia Garza, Council Member Sabino 'Pio' Renteria.

**A motion to approve the resolution with the following amendment was made by Council Member Casar and seconded by Council Member Kitchen.**

**The amendment was to revise the first Be It Resolved clause to read:**

**“The City Manager is directed to set a goal of \$500,000 in the fiscal year 2018 budget towards incentives and solar programming to increase solar energy adoption and access for underserved markets including multifamily affordable housing, low-income residents, renters, and non-profits. Austin Energy should present a progress report on meeting this goal to the City Council and/or Austin Energy Oversight Committee in February 2018.”**

**Resolution No. 20171005-033 was approved as amended above on Council Member Casar's motion, Council Member Kitchen's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Alter, Casar, Garza, Houston, Kitchen, and Renteria. Those voting nay were Council Members Flannigan and Troxclair.**

**CITIZENS COMMUNICATIONS: GENERAL**

Christopher Surry – Tennis Courts at Rosewoods

**Mayor Adler recessed the meeting at 11:45 a.m.**

**Mayor Adler reconvened the meeting at 2:13 p.m.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

41. C14-2017-0020 - The Rail Spur Building - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 618 Tillery Street (Colorado River Watershed) from limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning and limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 10, 2017. Owner/Agent: Peter Barlin. City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to November 9, 2017 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

45. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed). Applicant's Request: To rezone from neighborhood commercial-conditional overlay combining (LR-CO) district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use combining (CS-MU) district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use combining (LR-MU) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

**This item was withdrawn without objection.**

46. C14-2017-0095 - Brodie Marketplace - District 8 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8916 Brodie Lane, Suite 500 (Williamson Creek Watershed-Barton Springs Zone). Applicant Request: To rezone from neighborhood commercial (LR) district zoning and community commercial (GR) district

zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Owner/Applicant: Brodie Marketplace Capital LLC (Tylere Brennan). Agent: Gertie Wilson. City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 8.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171005-046 for commercial-liquor sales (CS-1) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

47. C14-2017-0091 - U.S. Army Corps of Engineers Lower Onion Creek Flood Mitigation Project - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property located East of South Pleasant Valley Road and West of East William Cannon Drive (Onion Creek Watershed; Marble Creek Watershed). Applicant Request: To rezone from single family residence-standard lot (SF-2) district zoning, family residence (SF-3) district zoning and mobile home residence (MH) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: City of Austin. Agent: Watershed Protection Department (Pamela Kearfott). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171005-047 for public (P) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

48. C14-2017-0104 - 3812 S. 1St Street - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25-2 by rezoning property locally known as 3812 South First Street (East & West Bouldin Creek Watersheds). Applicant Request: To rezone from family residence (SF-3) district zoning to neighborhood commercial - mixed use (LR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial - mixed use (LR-MU) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial - mixed use-conditional overlay (LR-MU-CO) combining district zoning. Owner: Rahul and Shalini Singh. City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 3.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for neighborhood commercial - mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

49. C14H-2017-0082 - McDonald-Doughtie House - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 of the Austin City Code by rezoning property locally known as 1616 Northwood Road. Applicant Request: To rezone from single family residence (SF-3) district zoning to single family residence - historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant single family residence - historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant single family residence - historic landmark (SF-3-H) combining district zoning.

Planning Commission Recommendation: To grant single family residence - historic landmark (SF-3-H) combining district zoning. Applicant: Craig Duewall, owner City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454. District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for single family residence - historic landmark (SF-3-H) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

50. C14H-2017-0107 - Tucker-Winfield Apartment House - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 of the Austin City Code by rezoning property locally known as 1105 Nueces Street. Applicant Request: To rezone from general office (GO) district zoning to general office - historic landmark (GO-H) combining district zoning. Staff Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Historic Landmark Commission Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Planning Commission Recommendation: To grant general office - historic landmark (GO-H) combining district zoning. Applicant: Elayne Lansford, owner City Staff: Cara Bertron, Historic Preservation Office, Planning and Zoning Department, 512-974-1446. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171005-050 for general office – historic landmark (GO-H) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair abstained.**

51. NPA-2016-0016.04 - The Rail Spur Building - District 3 -Conduct a public hearing to approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 618 Tillery Street (Boggy Creek Watershed) from Office and Mixed Use land use to Commercial and Mixed Use land use. Staff Recommendation: To grant Commercial and Mixed Use land use. Planning Commission Recommendation: To be reviewed on October 10, 2017. Owner/Applicant: Peter Barland. Agent: Peter Barland. City Staff: Maureen Meredith, 512 - 974-2695 District(s) Affected: District 3.

**This item was postponed to November 9, 2017 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

#### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED**

42. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district

zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial-mixed use-conditional overlay combining (GR-MU-CO) district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

**This item was postponed to October 19, 2017 at the request of the neighborhood on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.**

40. C14-2016-0134 - Pioneer at Walnut Creek - District 1 - Approve third reading of an ordinance amending City Code Title 25 by zoning property locally known as 11126 Sprinkle Cutoff Road (Walnut Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to multifamily residence-low density (MF-2) district zoning. First reading approved townhouse and condominium residence (SF-6) district zoning, with conditions, on May 4, 2017. Vote: 10-0, Councilmember Garza-absent. Second Reading approved townhouse and condominium residence (SF-6) district zoning, with conditions, on June 8, 2017. Vote: 9-0, Councilmembers Kitchen and Garza-off the dais. Owner/Applicant: Nirav Amin. Agent: Vincent Gerard & Associates (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 1.

**Ordinance No. 20171005-040 for townhouse and condominium residence (SF-6) district zoning with conditions was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.**

43. C14-2017-0076 - ACC Rio Grande Campus - Block 153 Zoning - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1212 Rio Grande Street (Shoal Creek Watershed). Applicant Request: To zone from unzoned (UNZ) district (Tract 1) and unzoned- historic landmark (UNZ-H) district zoning (Tract 2) to downtown mixed use- conditional overlay (DMU-CO) combining district zoning (Tract 1) and downtown mixed use- historic landmark- conditional overlay (DMU-H-CO) combining district zoning (Tract 2). Staff Recommendation: To grant downtown mixed use- conditional overlay (DMU-CO) combining district zoning (Tract 1) and downtown mixed use- historic landmark- conditional overlay (DMU-H-CO) combining district zoning (Tract 2). Historic Landmark Commission Recommendation: To grant downtown mixed use- conditional overlay (DMU-CO) combining district zoning (Tract 1) and downtown mixed use- historic landmark-conditional overlay (DMU-H-CO) combining district zoning (Tract 2). Planning Commission Recommendation: To grant downtown mixed use- conditional overlay (DMU-CO) combining district zoning (Tract 1) and downtown mixed use- historic landmark- conditional overlay (DMU-H-CO) combining district zoning (Tract 2). Owner/Applicant: Austin Community College District (Paul R Mason). Agent: Urban Design Group (Vanessa Mendez). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.

**A motion to close the public hearing and approve the ordinance was made by Mayor Pro Tem Tovo and seconded by Council Member Alter.**

**A motion to amend the ordinance to remove the conditional overlay use restrictions failed on Council Member Flannigan's motion, Council Member Casar's second on a 3-8 vote. Those voting aye were: Council Members Casar, Flannigan, and Troxclair. Those voting**

may were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Alter, Garza, Houston, Kitchen, Pool, and Renteria.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171005-043 for downtown mixed use- conditional overlay (DMU-CO) combining district zoning (Tract 1) and downtown mixed use- historic landmark-conditional overlay (DMU-H-CO) combining district zoning (Tract 2) was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on an 11-0 vote.

44. C14-2017-0077 - Austin Community College District - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1218 West Avenue (Shoal Creek Watershed). Applicant Request: To rezone from Family Residence (SF-3) district zoning and Public (P) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: Austin Community College District (Paul R Mason). Agent: Urban Design Group (Vanessa Mendez). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.

**A motion to close the public hearing and approve the ordinance was made by Mayor Pro Tem Tovo and seconded by Council Member Alter.**

**A motion to amend the ordinance to remove the conditional overlay use restrictions failed on Council Member Flannigan's motion, Council Member Casar's second on a 3-8 vote. Those voting aye were: Council Members Casar, Flannigan, and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Alter, Garza, Houston, Kitchen, Pool, and Renteria.**

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171005-044 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on an 11-0 vote.

**Mayor Adler recessed the meeting at 3:06 p.m.**

**Mayor Adler reconvened the meeting at 4:02 p.m.**

### **PUBLIC HEARINGS**

52. Conduct a public hearing regarding the application submitted by Acadian Ambulance Service, Inc. to renew a non-emergency transfer franchise, under Chapter 10-2 of the City Code and approve the franchise agreement on first reading.

**This item was withdrawn without objection.**

53. Conduct a public hearing to consider an ordinance amending City Code Section 25-8-25 (Redevelopment Exception in Urban and Suburban Watersheds), City Code Section 25-8-26



(Redevelopment Exception in the Barton Springs Zone), City Code Section 25-8-27 (Redevelopment Exception in the Water Supply Rural and Water Supply Suburban Watersheds), City Code Section 25-8-211 (Water Quality Control Requirement), and City Code Section 30-5-211 (Water Quality Control Requirement). This action concerns land located within the Barton Springs Zone.

**This item was postponed indefinitely at the request of staff on Council Member Pool's motion, Council Member Renteria's second on a 6-0 vote. Council Members Casar, Garza, Houston, Kitchen, and Troxclair were off the dais.**

Mayor Adler adjourned the meeting at 4:04 p.m.

**LIVE MUSIC**

Mia Garcia

**PROCLAMATIONS**

Dyslexia Awareness Month – To be presented by Mayor Steve Adler and to be accepted by Heather Hardeman, Dyslexia Parent Network Co-founder, and her sons, Ford and Waylon Hardeman

National Code Month – To be presented by Mayor Steve Adler and to be accepted by Cora Wright, Austin Code Department Interim Director

University High School Day – To be presented by Mayor Steve Adler

**The minutes were approved on this the 12 day of October 2017 on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**